

DETAILED ACTION

Response to Amendment

1. The amendment filed on 10/19/2009 has been acknowledged and entered by the examiner.

Allowable Subject Matter

2. Claims 42, 52-56, 63-68 and 77-82 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding claim 42, the prior art alone or in combination fails to disclose a device for raising or cultivating cells in a container-like receptacle comprising a cylindrical middle part being closed off at a top by an upper lid and lower lid which form a base of the receptacle wherein, the upper lid and the lower lid each includes an extension ring having an extension ring region extending beyond the threaded connection to at least partially enclose the cylindrical middle part and each extension ring region including at least one sealing ring located between the middle part and the extension ring.

Regarding claim 52, the prior art alone or in combination fails to disclose a device for raising or cultivating cell wherein at least one resilient lateral tensioning ring encircles both an exterior surface of the base and an exterior surface of the upper lid to retain the

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upper lid in a sealing engagement with the base receptacle when the container-like receptacle is rotated about transverse axis.

Regarding claim 63 and its dependent claims, the prior art alone or in combination fails to disclose a device for raising or cultivating cell wherein a magnetizable pressure disk is arranged in the receptacle and can be moved by a magnetizing means in order to exert pressure internally on the cells.

Regarding claim 67 and its dependent claims, the prior art alone or in combination fails to disclose a device for raising or cultivating cell comprising a pressurizing means which is located with a structure of the receptacle for exerting fluid pressure on both the culture medium and cells being within the device so that the pressure load is exerted on the cells all round from outside.

The closely related prior arts to the applicant claimed inventions are Lee (US 4,377,639), Christian et al (US 5,267,791) and Winston (US 4,851,354).

Lee discloses a device for raising or cultivating cells in a container-like receptacle which comprises: a base (13); and at least an upper lid (12), wherein the upper lid (12) is connected to the receptacle (11) in a pressure-tight manner, and the receptacle (11) or the upper lid (12) is provided with at least one inlet bore for one of the introduction and withdrawal of culture medium and oxygen (the receptacle 11 has ports 21, 22 and 23 with bores within the ports), and at

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least one resilient lateral tensioning ring (29) encircles at least the receptacle (11) and the upper lid (12) to retain the upper lid (12) in sealing engagement with the receptacle (11) when the receptacle (11) is rotated about a transverse axis (see abs., Fig 1, col. 1 lines 34 – 43, col. 2 lines 20 -46). However, the Lee reference fails to disclose that the upper lid and the lower lid each includes an extension ring having an extension ring region extending beyond the threaded connection to at least partially enclose the cylindrical middle part and each extension ring region including at least one sealing ring located between the middle part and the extension ring or that at least one resilient lateral tensioning ring encircles both an exterior surface of the base and an exterior surface of the upper lid to retain the upper lid in a sealing engagement with the base receptacle when the container-like receptacle is rotated about transverse axis.

Christian discloses a device for raising or cultivating cells in a container-like receptacle which comprises a base (4); and at least one lid (2), wherein the at least one lid (2) is connected to the receptacle in a pressure-tight manner, and the receptacle or the at least one lid (2) is provided with at least one inlet bore (14) for one of the introduction and withdrawal of culture medium and oxygen (see Christian fig 1, and col. 3 lines 36 - 54). Christian fails to disclose that the receptacle is further provided with a pressurizing means included within a structure of the receptacle for exerting pressure on the cells being cultivated within the device such as a magnetizable pressure disk arranged in the receptacle and can be moved by a magnetizing means in order to exert pressure internally on the cells or that the pressurizing means which is located with a structure of

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the receptacle exerts fluid pressure on both the culture medium and cells within the device so that the pressure load is exerted on the cells all round from outside

Winston et al discloses that it is known in the art for devices used in cultivating cell to have pressurizing means included within the a structure of the receptacle for exerting pressure internally on the cell, specifically, Winston discloses a bioreactor comprising a base, a removable cap, reservoir coupled to the base wherein the reservoir is filled with pressurizing medium of create variations in hydrostatic pressure beneath the base thereby exerting pressure on the cell attached to the base (See Winston col.1 lines 42-57; col.2 lines 48 - 68).

None of the prior arts above alone or in combination disclose the applicant invention as is claimed in claims 42, 52, 63 and 67.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANTA G. DOE whose telephone number is (571)270-3152. The examiner can normally be reached on Mon-Fri 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSD

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1797